

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

WILLIAM H. KRAUS,)	
)	
)	
Plaintiff,)	
)	
)	
)	Case No. 3:09-0419
)	Judge Trauger
v.)	
)	
CITY OF OAK HILL,)	
THOMAS C. ALSUP, in his individual)	
capacity,)	
)	
Defendants.)	

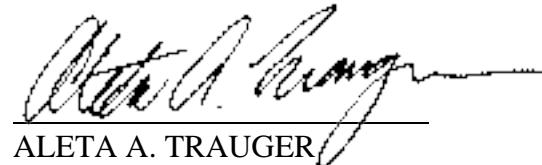
ORDER

For the reasons expressed in the accompanying Memorandum, the Motion to Dismiss for Failure to State a Claim, or Alternatively, for Summary Judgment filed by defendant the City of Oak Hill, Tennessee (Docket No. 38) is **GRANTED**. The Motion to Dismiss or for Summary Judgment filed by defendant Thomas Alsup (Docket No. 39) is **GRANTED**. The Motions for Attorneys' Fees filed by previously dismissed defendants, Robert Notestine and Austin McMullen, (Docket Nos. 33 and 34, respectively) are **DENIED**.

The plaintiff has 7 days from the date of this Order to show cause why the court should not award Notestine \$3,840 as a discovery sanction under Federal Rule of Civil Procedure 37 against the plaintiff, William H. Kraus, and his attorney, John Herbison, jointly and severally. This case is otherwise **DISMISSED**. Entry of this Order shall constitute the Judgment in this case.

It is so ordered.

Enter this 7th day of September, 2010.



ALETA A. TRAUGER
United States District Judge